

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Barbara Hamilton,) C/A No. 4:11-cv-3419-TLW-KDW
vs. Plaintiff,)
Dolgencorp Inc.,)
Dolgencorp of South Carolina,)
Dollar General Partners *dba* Dollar General Stores,)
Defendants.) Report and Recommendation

The above-captioned case was filed through counsel on December 15, 2011. The Clerk of Court issued the summons, ECF No. 5, on December 15, 2011. On October 2, 2012, the undersigned issued an Order directing Plaintiff to provide proof of service of process by October 16, 2012. No response has been received from Plaintiff's counsel of record.

Rule 4(m) of the Federal Rules of Civil Procedure provides that unless a defendant is served within 120 days after the complaint is filed, this court must dismiss an action without prejudice as to that defendant. No proof of service of process has been provided by Plaintiff's counsel, although more than 311 days have passed since the Clerk issued the summons on December 15, 2011.

Because more than 120 days has passed since the filing of Plaintiff's Complaint it is recommended that the above-captioned case be dismissed without prejudice for failure of service of process.

The attention of Plaintiff's counsel is directed to the Notice on the next page.

IT IS SO RECOMMENDED.



October 22, 2012
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**

Notice of Right to File Objections to Report and Recommendation

Plaintiff's counsel is advised that she may file specific written objections to this Report and Recommendation with the District Judge. **Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections.** “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

**Larry W. Propes, Clerk of Court
United States District Court
Post Office Box 2317
Florence, South Carolina 29503**

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).